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Attorneys for Defendant  
DISCOVERY SALES, INC.

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND DIVISION

UNITED STATES OF AMERICA,  
  
Plaintiff,  
  
vs.  
  
DISCOVERY SALES, INC.,  
  
Defendant.

Case No. CR16-00199

**STIPULATION AND ~~PROPOSED~~ ORDER**

Date: October 6, 2016  
Time: **\*\* 9:30a.m.**  
Judge: Hon. Yvonne Gonzalez Rogers  
Courtroom: 1, Fourth Floor

1 Plaintiff UNITED STATES OF AMERICA and defendant DISCOVERY SALES, INC.  
2 ("DSI"), by and through their counsel, hereby stipulate as follows:

3 1. On June 3, 2016, DSI was arraigned on a one-count Information alleging a  
4 violation of 18 U.S.C. § 1344. The United States and DSI appeared before this Court later that  
5 day for a change of plea and proposed sentencing pursuant to a plea agreement under Federal  
6 Rule of Criminal Procedure 11(c)(1)(C).

7 2. At the hearing on June 3, 2016 regarding the proposed plea agreement, this Court  
8 set a further hearing on July 22, 2016.

9 3. On July 5, 2016, a criminal complaint signed by U.S. Magistrate Judge Donna M.  
10 Ryu charged the owner and president of defendant DSI, Albert Seeno III, with violation of 18  
11 U.S.C. § 1513(b). Mr. Seeno appeared in court on July 7, 2016 and was released on bond.

12 4. At the request of the parties and by order filed on July 14, 2016, this Court vacated  
13 the July 22, 2016 hearing on the plea agreement and set a status conference for August 25, 2016,  
14 with a joint status conference statement to be filed by August 18, 2016.

15 5. Mr. Seeno's next scheduled appearance before the U.S. Magistrate Judge for  
16 preliminary hearing or arraignment has been continued by stipulation and order to September 8,  
17 2016.

18 6. As a result of this change in schedule, the parties in this case require additional  
19 time for further consideration of the proposed plea agreement.

20 7. Accordingly, the parties hereby stipulate and request that this Court continue the  
21 August 25, 2016 status conference to **October 6, 2016 at 9:30am.**, with a joint status conference  
22 statement to be filed on or before September 29, 2016.

23 8. The parties further request that time under the Speedy Trial Act be excluded  
24 pursuant to 18 U.S.C. § 3161(h)(1)(G) (consideration of a pending plea agreement) and 18 U.S.C.  
25 § 3161(h)(7)(A) and (B) (interests of justice). As to the latter, the parties agree that the ends of  
26 justice served by a continuance outweigh the best interests of the public and the defendant in a  
27 speedy trial. Specifically, the above-described development necessitates additional attention from  
28 defense counsel such that without a continuance defendant DSI would be denied the reasonable

1 time necessary for effective preparation.

2  
3 Dated: August 18, 2016

BRIAN J. STRETCH  
United States Attorney

4  
5 By: /s/ John H. Hemann  
John H. Hemann  
Assistant United States Attorney

6  
7 Attorneys for Plaintiff  
UNITED STATES OF AMERICA

8  
9 Dated: August 18, 2016

FARELLA BRAUN + MARTEL LLP

10  
11 By: /s/ William P. Keane  
William P. Keane

12 Attorneys for Defendant  
DISCOVERY SALES, INC.

13  
14 I attest that concurrence in the filing of the above stipulation has been obtained from  
15 counsel for Plaintiff.

16  
17 /s/ William P. Keane  
William P. Keane

**[PROPOSED] ORDER**

Based on the foregoing, and good cause appearing:

IT IS HEREBY ORDERED that the August 18, 2016 deadline for filing of a joint status conference statement and the August 25, 2016 status conference are vacated. This matter is now set for a status conference on **October 6, 2016 at 9:30a.m.** The parties will file a joint status conference statement no later than September 29, 2016.

For the reasons stated above, the Court hereby finds the exclusion of time from August 25, 2016 through and including October 6, 2016 is warranted and that the ends of justice served by the continuance outweigh the best interests of the public and the defendant in a speedy trial. 18 U.S.C. § 3161(h)(7)(A). The failure to grant the requested continuance would deny the defendant effective preparation of counsel and would result in a miscarriage of justice. 18 U.S.C. § 3161(h)(7)(B)(iv).

IT IS SO ORDERED.

Dated: August 19, 2016

  
HON. YVONNE GONZALEZ ROGERS  
United States District Court Judge

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